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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,783	02/16/2005	Frank Kurfiss	10191/3668	3404

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER

KOCH, GEORGE R

ART UNIT	PAPER NUMBER
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1791

MAIL DATE	DELIVERY MODE
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01/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/524,783

Applicant(s)

KURFISS ET AL.

Examiner

George R. Koch III

Art Unit

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-40 is/are pending in the application.
- 4a) Of the above claim(s) 31-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/16/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of group I, claims 18-30 in the reply filed on 10/29/2007 is acknowledged.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 18-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teder (US 5,661,303).

As to claim 18, Teder discloses a method for fastening and aligning at least one sensor including a sensor axis, comprising: connecting a holding element including a sensor seating surface for the sensor to a support; connecting the sensor to the support via the holding element;

Teder does not disclose reworking the sensor seating surface to align the sensor axis of an installed sensor in a nominal direction; and connecting the sensor to the holding element at the reworked sensor seating surface. However, reworking to repair objects is obvious. Teder discloses that a specific angle is required for operability (45 degrees). One confronted with an inappropriate angle would immediately recognize that either replacement or repair is needed, and one would immediately recognize that some sort of reworking step would be appropriate in order to adjust the sensor axis. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized such a reworking step in order to ensure that the device is functional.

As to claim 19, Teder discloses that the support is arranged in a motor vehicle (item 18 is an automobile windshield).

As to claim 20, official notice is taken that ascertaining a deviation, present without reworking, of the sensor axis from the nominal direction, the sensor seating surface reworked in the reworking step based on the ascertained deviation is well known and conventional.

As to claim 21, official notice is taken that comprising arranging the support and the holding element into a carrier, the sensor seating surface reworked in the reworking step by a

reworking device connected to the carrier to align the sensor axis in the nominal direction is well known and conventional

As to claim 22, Teder discloses a (b) a light-sensitive sensor and (c) a video sensor.

As to claim 23, Teder discloses that the sensor axis is one of (a) in a direction of the holding element and the support.

As to claim 24, official notice is taken that having the holding element is connected to the support in the holding element connecting step by an adhesion process, the sensor seating surface reworked in the reworking step during hardening of the adhesive is well known and conventional.

As to claim 25, official notice is taken that a reworking that includes a material-removing process is well known and conventional.

As to claim 26, official notice is taken that the material-removing process includes at least one of milling, drilling and laser processing is well known and conventional.

As to claim 27, official notice is taken that applying at least one centering pin receptacle in a correct position at the sensor seating surface; and aligning the sensor with respect to rotation of the sensor about the sensor element by at least one centering pin arranged on the sensor is well known and conventional.

As to claim 28, official notice is taken that an at least one centering pin receptacle is applied in the applying step during the reworking step is well known and conventional.

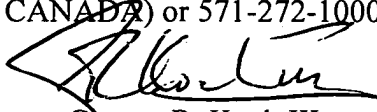
As to claim 29 and 30, Teder discloses that at least one of (a) the holding element includes an accommodation for at least a part of the sensor and (b) the holding element includes

a sensor antechamber protected from intrusion of at least one of (a) chips and (b) dirt. See chamber element 50.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George R. Koch III whose telephone number is (571) 272-1230 (TDD only). If the applicant cannot make a direct TDD-to-TDD call, the applicant can communicate by calling the Federal Relay Service at 1-866-377-8642 and giving the operator the above TDD number. The examiner can also be reached by E-mail at george.koch@uspto.gov in accordance with MPEP 502.03. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip Tucker can be reached on (571) 272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


George R. Koch III
Primary Examiner

Application/Control Number:
10/524,783
Art Unit: 1791

Page 6

Art Unit 1791

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1/7/08